

WaiversFirst Name Last Name Claim Number
[REDACTED] [REDACTED] W-18-0006

Amount OGC Received Date Assigned To Assigned Date
\$2540.57 03/21/2018 Mary O'Lone 03/20/2018

EPA Decision EPA Decision Date Amount Approved Status
DENIED 10/04/2018 CLOSED

Appeal Comments

No 9/28/18 draft denial to Ken. Not an erroneous overpayment due to administrative error. It was due to employee's actions changing paid leave to LWOP.

6/12/18 IBC explains that the debt for PP1706 is 51 hours of paid leave later converted to LWOP (either by Nita (46 hrs) or b/c she didn't have enough sick leave (5 hrs) plus 34 paid hours in PP1707 converted by [REDACTED] to LWOP for a total debt for 85 hours (\$2540.57).

Discovered 10/2017

Type

Time and Attendance

Attachments

[REDACTED]
This email is in response to your "Waiver of Indebtedness Application" dated March 12, 2018, wherein you have requested approval of a waiver of debt in the amount of \$2,540.57. For the reasons set forth below, your request for a waiver is denied.

Background

Our records show that in a series of timecard changes, many of your hours of Leave Without Pay (LWOP) were converted to Leave Bank hours. You were paid for those Leave Bank hours. Then later timecard changes were made to switch some of those paid hours back to unpaid status (i.e., LWOP).

Leave you took in Pay Period #06 of 2017 was originally coded as LWOP. In May 2017, there was a change to reflect 80 hours of Leave Bank hours for which you were then paid in July 2017. Then in Pay Period #22 of 2017, 46 hours of the paid leave in Pay Period #06 was converted back to LWOP. In addition, the system converted another 5 hours of paid Sick Leave to LWOP because you did not have enough accrued Sick Leave in your account to cover it.

Pay Period #07 of 2017 was also originally coded as LWOP. In May 2017, 34 hours of the LWOP was changed to Leave Bank hours for which you were then paid in July 2017. In August 2017, a timecard change was made to change the 34 hours back to LWOP. These conversions resulted in you being paid for 85 hours of leave that later became LWOP creating a debt of \$2,540.57.

Accordingly, the Interior Business Center (IBC) at the Department of Interior sent you a Bill for Collection dated October 21, 2017 (Debt ID

72970264361) in the amount of \$2,540.57. In response to the Bill for Collection, you submitted a "Waiver of Indebtedness Application" dated March 12, 2018. In support of your application, you state that you were aware there was an issue with your leave and you requested a leave audit to see how time was processed. In addition, you state that you did not receive the audit information until after you were paid for the time submitted. You asked that all timecard corrections be processed before your debt is assessed. As of September 24, 2018, your debt remains \$2,540.57.

Analysis

Section 5584 of Title 5 of the United States Code provides authority to waive claims for erroneous payments of pay and certain allowances made to federal employees, if collection of the claim would be against equity and good conscience and not in the best interest of the United States.

Generally, these criteria are met by a finding that the claim arose from an administrative error with no indication of fraud, fault, misrepresentation, or lack of good faith on the part of the employee.

Here, the Agency properly processed the timecard changes that you submitted which in turn created a debt. While I regret there may have been confusion regarding the balance in your leave account, I find that the debt was not caused by Agency error and therefore is not an erroneous payment. See, B-236270 (Jan. 26, 1990), B-244575 (Dec. 11, 1991), B-226755 (Oct. 26, 1988). Consequently, this debt may not be considered for waiver under 5 U.S.C. 5884.

Accordingly, your waiver request is denied. I trust this email is responsive to your claim, and I am sorry a more favorable reply cannot be made. Under 40 C.F.R. part 13.11(e)(iii), I have the delegated authority to waive all or part of the interest, penalty, and administrative charges which have accrued on this debt. In this regard, I am directing that EPA waive any portion that may have accrued that is attributable to interest, penalty, and administrative charges.